

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARISOL RUIZ,

No. 3:16-cv-01392-YY

Petitioner,

ORDER

v.

NANCY HOWTON,  
*Superintendent,*

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation on February 25, 2021, in which she recommends that this Court deny Petitioner's Motion for Leave to File an Amended Complaint and deny Petitioner's Amended Petition for Writ of Habeas Corpus. F&R, ECF 85. Judge You also recommends denying a certificate of appealability because Petitioner has not

made a substantial showing of the denial of a constitutional right. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. Pet'r Obj., ECF 90. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

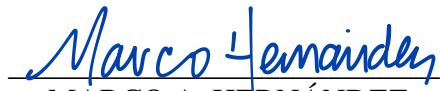
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

## **CONCLUSION**

The Court adopts Magistrate Judge You's Findings and Recommendation [85]. Therefore, Petitioner's Motion for Leave to File a Second Amended Complaint [72] is denied and her Amended Petition for Writ of Habeas Corpus [32] is denied and this case is dismissed with prejudice. Because Petitioner has not made a substantial showing of a denial of a constitutional right, a certificate of appealability is denied.

IT IS SO ORDERED.

DATED: May 26, 2021.



MARCO A. HERNÁNDEZ  
United States District Judge